

ESTTA Tracking number: **ESTTA525707**

Filing date: **03/08/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055426
Party	Plaintiff Run It Consulting, LLC
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY PLLC 344 MAPLE AVENUE WEST , SUITE 151 VIENNA, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	03/08/2013
Attachments	Regular NOR.pdf (5 pages)(129312 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Registration 1,962,898,
For the mark AMERICAN MUSCLE,
Registered on the Principal Register on March 19, 1996.

Run It Consulting, LLC,	:	
	:	Cancellation No. 92055426
	:	
Petitioner,	:	
	:	
vs.	:	
	:	
Augusto Lodi,	:	
	:	
Registrant.	:	

PETITIONER'S FIRST NOTICE OF RELIANCE

Petitioner, Run It Consulting, LLC, pursuant to Trademark Rules 2.120(j) and 2.123 of the Trademark Rules of Practice, 37. C.F.R. §§ 2.120 and 2.123, hereby introduces into evidence the following:

Description	Relevance	Exhibit No.
Registrant Augusto Lodi's Response to Admission No. 17.	The Admission Response submitted are relevant to the issue of abandonment.	Petitioner's Exhibit C.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
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mswyers@TheTrademarkCompany.com
Counsel for Petitioner

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	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92055426
	:	
Augusto Lodi,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing Notice of Reliance this 8th day of
March, 2013, to be served, via first class mail, postage prepaid, upon:

Michael A. DiNardo, Esq.
Kelley & Kelley LLP
6320 Canoga Avenue, Suite 1650
Woodland Hills, CA 91367

/Matthew H. Swyers/
Matthew H. Swyers

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:

Cancellation No. 92055426

Run It Consulting, LLC,

Petitioner,

vs.

Trademark Registration No. 1,962,898

For the mark: AMERICAN MUSCLE

Augusto Lodi,

Date Registered: March 19, 1996

Registrant.

**REGISTRANT'S RESPONSES TO PETITIONER'S
FIRST SET OF REQUESTS FOR ADMISSION**

Registrant Leander Lodi, successor-in-interest to Augusto Lodi ("Registrant"), in accordance with FRCP, Rule 36 and the applicable rules of the Trademark Trial and Appeal Board ("Board"), hereby responds to Petitioner Run It Consulting, LLC's ("Petitioner's") First Set of Request for Admissions ("RFAs"), served by mail on July 31, 2012.

To the extent no objection is stated, Registrant will respond to such RFAs. Additional responses to these RFAs may be provided when and if objections are withdrawn and/or when these responses are filed.

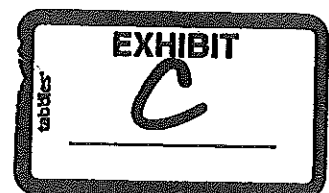
* * * *

1.

RESPONSE:

2.

RESPONSE:



RESPONSE:

16.

RESPONSE:

17. Admit that Registrant did not have a website advertising or marketing its vitamin supplements in connection with Registrant's Mark on August 18, 2011.

RESPONSE: Admitted.

18.

RESPONSE:

19.

RESPONSE:

20.

RESPONSE:

21.

RESPONSE: Denied.

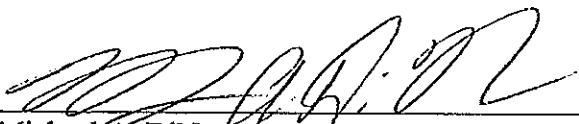
22.

RESPONSE: Denied.

23.

RESPONSE: Denied.

Dated: September 24, 2012



Michael A. DiNardo
KELLY & KELLEY, LLP
Attorneys for Registrant Leander Lodi,
successor-in-interest to Augusto Lodi